

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**IN RE:** : **MDL DOCKET NO. 4:03-CV-1507-WRW**  
**PREMPRO PRODUCTS LIABILITY** :  
**LITIGATION** : **ALL CASES**

**SUPERCEDING ORDER**

Based on Wyeth's November 19, 2008 Letter,<sup>1</sup> the November 4, 2008 PPO-9 Order<sup>2</sup> is superceded as follows.

**1. Already Part of PPO-9**

These cases were part of the original batch of PPO-9 cases, and should not have been included in the November 4, 2008 Order (but, based on the previous 2007 PPO-9 Order, discovery in these cases should be well underway):

4:04-cv-01164-WRW	Hasley, et al v. Wyeth Inc, et al (E.D. Ark.)
4:05-cv-00799-WRW	Boon v. Wyeth, et al (W.D. Ark.)
4:05-cv-00802-WRW	Knollenberg v. Wyeth, et al (W.D. Ark.)
4:05-cv-00960-WRW	Trenthem v. Wyeth et al (E.D. Ark.)
4:05-cv-01941-WRW	Davidson v. Wyeth et al (W.D. Ark.)

**2. Involved Manufacturers Other Than Wyeth<sup>3</sup>**

The following cases involved manufacturer defendants other than Wyeth or Pfizer and are no longer subject to PPO-9 discovery:

4:04-cv-02259-WRW	Frailey, et al v. Wyeth Inc, et al (W.D. Ark.)
4:04-cv-01323-WRW	Conwell, et al v. Wyeth, et al

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<sup>1</sup>Doc. No. 1907.

<sup>2</sup>Doc. No. 1888.

<sup>3</sup>The fact that sales representatives or doctors are named as defendants should not disqualify the case from PPO-9.

### 3. Injuries Other than Breast Cancer

As Wyeth pointed out, the following cases involve non-breast cancer injuries and, therefore, do not qualify for discovery under PPO-9. I agree. Accordingly, these cases (or plaintiffs) are no longer subject to PPO-9 discovery:

4:04-cv-00982-WRW	Leribeus (Caldwell, et al.) v. Wyeth Pharm, et al <sup>4</sup>
4:05-cv-00542-WRW	Davis v. Wyeth (E.D. Ark.)
4:05-cv-00748-WRW	Price, et al v. Wyeth Inc, et al (E.D. Ark.)
4:05-cv-01038-WRW	Echols et al v. Wyeth et al (E.D. Ark.)
4:05-cv-01065-WRW	Spieler et al v. Wyeth et al (E.D. Ark.)
4:05-cv-01857-WRW	Davis v. Wyeth et al (W.D. Ark.)
4:06-cv-01640-WRW	Carey v. Wyeth et al (W.D. Ark.)
4:04-cv-00854-WRW	Taylor v. Wyeth Inc, et al
4:04-cv-00924-WRW	Klumpe, et al v. Wyeth Inc, et al
4:04-cv-00926-WRW	Shutt, et al v. Wyeth Inc, et al
4:04-cv-00999-WRW	Locke v. Wyeth
4:04-cv-01032-WRW	Aleman (Hall, et al) v. Wyeth Inc, et al <sup>5</sup>
4:04-cv-01032-WRW	Brown (Hall, et al) v. Wyeth Inc, et al <sup>6</sup>
4:04-cv-01032-WRW	Hall (Hall, et al) v. Wyeth Inc, et al <sup>7</sup>
4:04-cv-01032-WRW	Williamson (Hall, et al) v. Wyeth Inc, et al <sup>8</sup>

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<sup>4</sup>This case involves several plaintiffs, but only Ms. Leribeus is ineligible for PPO-9 discovery -- only her case involves an injury other than breast cancer. As to other plaintiffs in the case, Wyeth points out that defendants other than Wyeth and Pfizer are involved. While that is true, the fact that sales representatives or doctors are named as defendants should not disqualify the case from PPO-9. The remaining plaintiffs qualify for PPO-9 discovery.

<sup>5</sup>This case involves multiple plaintiffs, but only those plaintiffs with injuries other than breast cancer are ineligible for PPO-9 discovery.

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

<sup>8</sup>*Id.*

4:04-cv-01034-WRW	Bradley v. Wyeth Pharm, et al
4:04-cv-01035-WRW	Aragon (Aragon, et al) v. Wyeth Inc, et al <sup>9</sup>
4:04-cv-01035-WRW	Ernst (Aragon, et al) v. Wyeth Inc, et al <sup>10</sup>
4:04-cv-01035-WRW	King (Aragon, et al) v. Wyeth Inc, et al <sup>11</sup>
4:04-cv-01035-WRW	Pareti (Aragon, et al) v. Wyeth Inc, et al <sup>12</sup>
4:04-cv-01035-WRW	Rich (Aragon, et al) v. Wyeth Inc, et al <sup>13</sup>
4:04-cv-01035-WRW	Rokusek (Aragon, et al) v. Wyeth Inc, et al <sup>14</sup>
4:04-cv-01035-WRW	Verrier (Aragon, et al) v. Wyeth Inc, et al <sup>15</sup>
4:04-cv-01035-WRW	Wood (Aragon, et al) v. Wyeth Inc, et al <sup>16</sup>
4:04-cv-01050-WRW	Dikselis, et al v. Wyeth, et al
4:04-cv-01109-WRW	Aranda v. Wyeth Inc, et al
4:04-cv-01111-WRW	Helms, et al v. Wyeth, et al
4:04-cv-01112-WRW	Webb, et al v. Wyeth, et al
4:04-cv-01115-WRW	Simmons v. Wyeth Inc, et al
4:04-cv-01203-WRW	Mann, et al v. Wyeth Inc, et al
4:04-cv-01260-WRW	McCumbers, et al v. Wyeth, et al
4:04-cv-01314-WRW	Gardner (Kelley, et al) v. Wyeth Inc, et al <sup>17</sup>
4:04-cv-01314-WRW	Kelley (Kelley, et al) v. Wyeth Inc, et al <sup>18</sup>
4:04-cv-01326-WRW	Wilson v. Wyeth Inc, et al
4:04-cv-01371-WRW	Ross, et al v. Wyeth, et al

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<sup>9</sup>*Id.*

<sup>10</sup>*Id.*

<sup>11</sup>This case involves multiple plaintiffs, but only those plaintiffs with injuries other than breast cancer are ineligible for PPO-9 discovery.

<sup>12</sup>*Id.*

<sup>13</sup>*Id.*

<sup>14</sup>*Id.*

<sup>15</sup>*Id.*

<sup>16</sup>*Id.*

<sup>17</sup>This case involves multiple plaintiffs, but only those plaintiffs with injuries other than breast cancer are ineligible for PPO-9 discovery.

<sup>18</sup>*Id.*

4:04-cv-01380-WRW	Kingsley v. Wyeth, et al
4:04-cv-01446-WRW	Duke, et al v. Wyeth Inc, et al
4:04-cv-01448-WRW	Barlow (Barlow, et al) v. Wyeth, et al <sup>19</sup>
4:04-cv-01448-WRW	Bell (Barlow, et al) v. Wyeth, et al <sup>20</sup>
4:04-cv-01448-WRW	Ellis (Barlow, et al) v. Wyeth, et al <sup>21</sup>
4:04-cv-01448-WRW	Feldman (Barlow, et al) v. Wyeth, et al <sup>22</sup>
4:04-cv-01448-WRW	Friend (Barlow, et al) v. Wyeth, et al <sup>23</sup>
4:04-cv-01448-WRW	Ginobbi (Barlow, et al) v. Wyeth, et al <sup>24</sup>
4:04-cv-01448-WRW	Goldstein (Barlow, et al) v. Wyeth, et al <sup>25</sup>
4:04-cv-01448-WRW	Kulesa (Barlow, et al) v. Wyeth, et al <sup>26</sup>
4:04-cv-01448-WRW	Ladd (Barlow, et al) v. Wyeth, et al <sup>27</sup>
4:04-cv-01448-WRW	Mead-Nesley (Barlow, et al) v. Wyeth, et al <sup>28</sup>
4:04-cv-01448-WRW	Palmisano (Barlow, et al) v. Wyeth, et al <sup>29</sup>
4:04-cv-01448-WRW	Tagliaferri (Barlow, et al) v. Wyeth, et al <sup>30</sup>
4:04-cv-01974-WRW	Alford v. Wyeth Pharmaceutical, et al

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<sup>19</sup>*Id.*

<sup>20</sup>*Id.*

<sup>21</sup>*Id.*

<sup>22</sup>*Id.*

<sup>23</sup>This case involves multiple plaintiffs, but only those plaintiffs with injuries other than breast cancer are ineligible for PPO-9 discovery.

<sup>24</sup>*Id.*

<sup>25</sup>*Id.*

<sup>26</sup>*Id.*

<sup>27</sup>*Id.*

<sup>28</sup>*Id.*

<sup>29</sup>This case involves multiple plaintiffs, but only those plaintiffs with injuries other than breast cancer are ineligible for PPO-9 discovery.

<sup>30</sup>*Id.*

#### 4. Cases Designated for PPO-9 Discovery

The following cases are designated to proceed with case-specific discovery depositions.

The parties may take the depositions of the plaintiff(s), spouse(s), treating physician(s), and sales representative(s).

When scheduling the depositions, the parties should be careful not to load one firm's wagon with more poles than a mule can pull, *i.e.*, I expect all parties to be reasonable in this regard.

Below are additional Arkansas cases and non-Arkansas cases for which case-specific discovery depositions may commence:

##### A. Arkansas Cases

3:05-cv-00151-WRW	Pilgrim, et al v. Wyeth, et al (E.D. Ark.)
4:04-cv-02258-WRW	Oostenink, et al v. Wyeth Inc, et al (W.D. Ark.)
4:05-cv-00719-WRW	Davis, et al v. Wyeth Inc, et al (E.D. Ark.)
4:05-cv-00733-WRW	Tripp, v. Pharmacia & UpJohn, et al (E.D. Ark.) <sup>31</sup>
4:05-cv-00797-WRW	Jennen v. Wyeth, et al (W.D. Ark.)
4:05-cv-00801-WRW	Jordan v. Wyeth, et al (W.D. Ark.)
4:05-cv-01033-WRW	Hicks et al v. Wyeth et al (E.D. Ark.) <sup>32</sup>
4:05-cv-01040-WRW	Hargrave et al v. Wyeth et al (E.D. Ark.)
4:05-cv-01041-WRW	Groves et al v. Wyeth et al (E.D. Ark.)
4:05-cv-01066-WRW	Vess et al v. Wyeth et al (E.D. Ark.)
4:05-cv-01379-WRW	Riggs et al v. Wyeth et al (W.D. Ark.)
4:05-cv-01485-WRW	Rankin v. Wyeth et al (W.D. Ark.)
4:05-cv-01709-WRW	Britt v. Wyeth et al (W.D. Ark.)
4:06-cv-00192-WRW	Woffard v. Wyeth et al (W.D. Ark.)
4:06-cv-00299-WRW	Welch v. Wyeth et al (E.D. Ark.)

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<sup>31</sup>Although Wyeth is not a defendant, Pfizer is, and the case qualifies for PPO-9 discovery.

<sup>32</sup>Although Wyeth was dismissed from this case by a PPO-8 Order, Pfizer remains a defendant, and the case qualifies for PPO-9 discovery.

4:06-cv-01383-WRW	Lewis v. Wyeth et al (E.D. Ark.)
4:07-cv-00109-WRW	Fisher v. Wyeth et al (W.D. Ark.)
4:07-cv-00110-WRW	Gant v. Wyeth et al (W.D. Ark.)
4:04-cv-00999-WRW	Locke, et al v. Wyeth, et al

## B. Non-Arkansas Cases

4:04-cv-00736-WRW	Hettleman, et al v. Wyeth Inc, et al
4:04-cv-00737-WRW	Harding, et al v. Wyeth Inc, et al
4:04-cv-00738-WRW	Ayers, et al v. Wyeth Inc, et al
4:04-cv-00815-WRW	Steadman, et al v. Wyeth Inc, et al
4:04-cv-00825-WRW	Daff, et al v. Wyeth Inc, et al
4:04-cv-00827-WRW	Wakeen, et al v. Wyeth Inc, et al
4:04-cv-00828-WRW	Demetriades, et al v. Wyeth Inc, et al
4:04-cv-00829-WRW	Spinelli, et al v. Wyeth Inc, et al
4:04-cv-00834-WRW	Harrison v. Pharmacia & Upjohn, et al
4:04-cv-00835-WRW	Hansen, et al v. Wyeth, et al
4:04-cv-00855-WRW	Mead, et al v. Wyeth Inc, et al
4:04-cv-00856-WRW	Burton v. Wyeth Inc, et al
4:04-cv-00908-WRW	Boyett, et al v. Wyeth Pharm, et al <sup>33</sup>
4:04-cv-00909-WRW	Neal, et al v. Wyeth Pharm, et al <sup>34</sup>
4:04-cv-00915-WRW	Chandler, et al v. Greenstone Ltd, et al
4:04-cv-00916-WRW	Levine, et al v. Wyeth Inc, et al
4:04-cv-00919-WRW	Galati, et al v. Pharmacia & Upjohn, et al
4:04-cv-00920-WRW	Byrne, et al v. Pharmacia & Upjohn, et al
4:04-cv-00921-WRW	Galantini v. Wyeth, et al
4:04-cv-00922-WRW	Keith, et al v. Wyeth, et al
4:04-cv-00927-WRW	Hendrix, et al v. Wyeth Inc, et al
4:04-cv-00936-WRW	Kammerer, et al v. Wyeth, et al
4:04-cv-00957-WRW	Lapour v. Wyeth Pharmaceutical, et al
4:04-cv-00982-WRW	Caldwell v. Wyeth, et al. <sup>35</sup>
4:04-cv-01000-WRW	James v. Wyeth, et al

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<sup>33</sup> Wyeth points out that defendants other than Wyeth and Pfizer are involved. While that is true, the fact that sales representatives or doctors are named as defendants should not disqualify the case from PPO-9. PPO-9 discovery should commence in this case.

<sup>34</sup>*Id.*

<sup>35</sup>Wyeth points out that defendants other than Wyeth and Pfizer are involved. While that is true, the fact that sales representatives or doctors are named as defendants should not disqualify the case from PPO-9. PPO-9 discovery should commence in this case. This case involves multiple plaintiffs, but only those plaintiffs with injuries other than breast cancer are ineligible for PPO-9 discovery.

4:04-cv-01003-WRW	Parks, et al v. Wyeth Inc, et al
4:04-cv-01006-WRW	Wisneski, et al v. Wyeth Inc, et al
4:04-cv-01008-WRW	Weatherford v. Wyeth, et al
4:04-cv-01015-WRW	Allen, et al v. Wyeth, et al
4:04-cv-01023-WRW	Peters v. Wyeth Pharmaceutical, et al
4:04-cv-01032-WRW	Hall, et al v. Wyeth Inc, et al <sup>36</sup>
4:04-cv-01035-WRW	Aragon, et al v. Wyeth Inc, et al
4:04-cv-01042-WRW	Simmons v. Wyeth Inc, et al
4:04-cv-01049-WRW	Michalski v. Wyeth, et al
4:04-cv-01055-WRW	Baird v. Wyeth Pharmaceutical, et al
4:04-cv-01057-WRW	Schwoegler, et al v. Wyeth Pharm, et al
4:04-cv-01058-WRW	Amalong v. Wyeth Pharm, et al
4:04-cv-01080-WRW	Long v. Wyeth, et al
4:04-cv-01081-WRW	Gatrell v. Wyeth, et al
4:04-cv-01082-WRW	Miller, et al v. Wyeth
4:04-cv-01083-WRW	Lefkowitz, et al v. Wyeth, et al
4:04-cv-01084-WRW	Mallett, et al v. Wyeth, et al
4:04-cv-01108-WRW	Mackin v. Wyeth Inc, et al <sup>37</sup>
4:04-cv-01110-WRW	Foster, et al v. Wyeth, et al
4:04-cv-01149-WRW	Armitage, et al v. Wyeth, et al
4:04-cv-01152-WRW	Schuler, et al v. Wyeth Pharm, et al
4:04-cv-01156-WRW	Sliger v. Wyeth Pharmaceutical, et al
4:04-cv-01196-WRW	Bongiorno, et al v. Wyeth, et al
4:04-cv-01206-WRW	Stephenson, et al v. Wyeth, et al
4:04-cv-01220-WRW	Kamman, et al v. Wyeth, et al
4:04-cv-01236-WRW	Tropea, et al v. Wyeth Inc, et al
4:04-cv-01245-WRW	Boyer, et al v. Wyeth Inc, et al
4:04-cv-01259-WRW	Royce v. Wyeth, et al
4:04-cv-01261-WRW	Keffer v. Wyeth, et al
4:04-cv-01271-WRW	Pelc v. Wyeth, et al

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<sup>36</sup>This case involves multiple plaintiffs, but only those plaintiffs with injuries other than breast cancer are ineligible for PPO-9 discovery.

<sup>37</sup>Although Wyeth was dismissed from this case by a PPO-8 Order, Pfizer remains a defendant, and the case qualifies for PPO-9 discovery.

4:04-cv-01272-WRW	Bland v. Wyeth, et al
4:04-cv-01284-WRW	Namin v. Wyeth Pharm, et al
4:04-cv-01312-WRW	Kowal v. Wyeth Inc, et al
4:04-cv-01314-WRW	Kelley, et al v. Wyeth Inc, et al <sup>38</sup>
4:04-cv-01317-WRW	Smith v. Wyeth Pharmaceutical, et al
4:04-cv-01318-WRW	Eckholm, et al v. Wyeth Inc, et al
4:04-cv-01381-WRW	Torkie-Tork v. Wyeth
4:04-cv-01382-WRW	Cardwell v. Wyeth
4:04-cv-01443-WRW	Fraser, et al v. Wyeth Inc, et al
4:04-cv-01448-WRW	Barlow, et al v. Wyeth, et al <sup>39</sup>
4:04-cv-01466-WRW	McKinney v. Wyeth-Ayerst Labs Co
4:04-cv-01487-WRW	Palumbo v. Wyeth Inc, et al
4:04-cv-01539-WRW	Rowan v. Wyeth
4:04-cv-01541-WRW	Kelly v. Wyeth Inc, et al
4:04-cv-01542-WRW	Richardson, et al v. Wyeth Inc, et al
4:04-cv-01543-WRW	Eddings, et al v. Wyeth Inc, et al
4:04-cv-01973-WRW	Aderhold v. Wyeth, et al
4:04-cv-01975-WRW	Anderson v. Wyeth Pharmaceutical, et al
4:04-cv-01976-WRW	Anderson v. Wyeth Pharmaceutical, et al
4:04-cv-01977-WRW	Anderson v. Wyeth Pharmaceutical, et al
4:04-cv-02260-WRW	Sharma, et al v. Wyeth Inc, et al
4:04-cv-02266-WRW	Poteat v. Wyeth Inc, et al
4:04-cv-02284-WRW	Briggs v. Wyeth Inc, et al
4:04-cv-02298-WRW	Bauman, et al v. Wyeth Inc, et al
4:04-cv-02311-WRW	Golden, et al v. Wyeth Inc, et al
4:04-cv-02313-WRW	Moss, et al v. Wyeth Inc, et al

IT IS SO ORDERED this 20th day of November, 2008.

/s/ Wm. R. Wilson, Jr.  
UNITED STATE DISTRICT COURT

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<sup>38</sup>This case involves multiple plaintiffs, but only those plaintiffs with injuries other than breast cancer are ineligible for PPO-9 discovery.

<sup>39</sup>*Id.*